

1 RUSSELL D. GREER
2 CHAPTER 13 STANDING TRUSTEE
P.O. BOX 3051
3 MODESTO, CALIFORNIA 95353-3051
TELEPHONE (209) 576-1954

4 UNITED STATES BANKRUPTCY COURT
5 EASTERN DISTRICT OF CALIFORNIA

6 In re: } Case No.: 18-20365
7 RADHEY SHYAM } D.C. No.: EML-3
LILLIAM SHYAM } CHAPTER 13 PROCEEDING
8 Debtor(s). } DATE: July 24, 2018
9 } TIME: 10:00 AM
10 } DEPT.: D

11 **CHAPTER 13 STANDING TRUSTEE'S OPPOSITION TO DEBTORS'**
12 **MOTION TO CONFIRM AMENDED CHAPTER 13 PLAN**

13 RUSSELL D. GREER, Chapter 13 Standing Trustee in the above referenced matter, opposes
14 Debtors' Motion to Confirm Amended Chapter 13 plan on the following grounds:

15 **I.**
BASIS OF OPPosition

16 1. Debtors' plan is not proposed in good faith. There is no Declaration from the Debtors
17 in support of the motion. [11 U.S.C. §1325(a)(3)]

18 2. Debtors' plan is not feasible. Debtors' plan proposes payments of \$5,556.00 for 60
19 months. Because Debtors failed to make the payment proposed in the plan, Debtors are delinquent
20 \$5,773.00. [11 U.S.C. §1325(a)(6)]

21 3. Debtors' Amended Schedule J (Docket #69) includes an \$800.00 a month expense for
22 health insurance. This amount is significantly higher than the expense for health insurance included on
23 the Schedule J filed at the inception of the case (Docket #10) At the inception of the case, the Debtors
24 listed their health insurance expense as \$26.00 per month. Trustee requests that debtors provide
25 evidence to verify the increase in health insurance expenses.

26 ///

27 ///

28 ///

II.

POINTS AND AUTHORITIES

11 U.S.C. §1322(a) provides that a plan shall provide for certain payments to creditors and for payment of claims within specified classes. Pursuant to 11 U.S.C. §1325(a)(1) the Court shall confirm a plan if the plan complies with the provisions of Chapter 13 and with other applicable provisions of this title.

11 U.S.C. §1325(a) provides that the Court shall confirm a plan if certain criteria set forth in §1325(a) is met.

The debtors carry the burden of proving, by a preponderance of the evidence, that the plan complies with the statutory requirements of confirmation. In re Arnold and Baker Farms, 177 B.R. 648, 654 (9th Cir. BAP 1994), In re Warren, 89 B.R. 87, 93 (9th Cir. BAP 1988), In re Wolff, 22 B.R. 510, 512 (9th Cir. 1982).

WHEREFORE, the Trustee requests that the court deny the Motion to Confirm Chapter 13 Plan.

Respectfully submitted,

Dated: 03/19/2018

/S/ LORRAINE W. CROZIER
LORRAINE W. CROZIER,
Attorney for Russell D. Greer,
Chapter 13 Standing Trustee